

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHANNON WILLIAMS,

Defendant.

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Case No. 8:93CR27

ORDER

This case is before the court on the defendant's Motion to Compel and/or Dismiss for Noncompliance (#662). The motion requests specific details about the process and machines used in processing fingerprints and DNA samples by law enforcement in Arizona following their contact with a person alleged to be the defendant, Shannon Williams, on January 16, 2009. The government, in its response (#666) acknowledges its obligations pursuant to due process and Rule 16. The government's response also notes the defendant's request exceeds the scope of Fed. R. Crim. P. 16, and additionally, that the government is not aware of any comparisons of fingerprints or DNA done by any law enforcement agency, either by hand or by machine. Given that the defendant's request exceeds that allowed under Rule 16, that the government acknowledged to the court its obligations under Rule 16, and that the government is not aware of the existence of the requested items, the motion is denied.

IT IS ORDERED:

1. Defendant's Motion to Compel and/or Dismiss for Noncompliance (#662) is denied.

2. Pursuant to NECrimR 57.2, a party may appeal this order by filing a "Statement of Appeal of Magistrate Judge's Order" within ten (10) business days after being served with the order. The party shall specifically state the order or portion thereof appealed from and the basis of the appeal. The appealing party shall file contemporaneously with the statement of appeal a brief setting forth the party's arguments that the magistrate judge's order ***is clearly erroneous or contrary to law***. The filing of a statement of appeal does not automatically stay the magistrate judge's order pending appeal. See NECrimR 57.2.

DATED August 26, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge